

ORDINANCE NO. 09-46

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 2007-108 (DECEMBER 11, 2007) THAT REZONED PROPERTY FROM GU (INTERIM DISTRICT) TO C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT) TO SUBSTITUTE A NEW SITE PLAN DATED MAY 13, 2009, PREPARED BY CKE GROUP, INC., IN PLACE OF THE PREVIOUSLY APPROVED 2007 SITE PLAN, FOR THE DEVELOPMENT OF THE PROPERTY. **PROPERTY LOCATED AT 3395 WEST 68 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 13, 2009, recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 2007-108 (December 11, 2007) that rezoned property from GU (Interim District) to C-1 (Restricted Retail Commercial District) to substitute a new site plan dated May 13, 2009, prepared by CKE Group, Inc., in place of the previously approved 2007 site plan, for the development of the property. Property located at 3395 West 68th Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THAT PORTION OF THE SOUTH ½ OF TRACT 23 OF CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE SW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST,

MIAMI-DADE COUNTY, FLORIDA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28, THE STANDARD PLAN RECTANGULAR COORDINATES FOR THE EAST ZONE OF FLORIDA FOR SAID POINT BEING $x=711739.45$, $y=563973.12$; THENCE RUN N $89^{\circ} 38' 02''$ E ALONG THE SOUTH LINE OF SAID SECTION 28 FOR DISTANCE OF 1,198.56 FEET TO THE POINT OF INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST, THE CENTER OF WHICH BEARS N $54^{\circ} 16' 50''$ W FROM SAID POINT OF INTERSECTION; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF $06^{\circ} 29' 28''$, FOR AN ARC DISTANCE OF 210.70 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 23 SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1,859.86 FEET, THROUGH A CENTRAL ANGLE OF $16^{\circ} 03' 33''$ FOR AN ARC DISTANCE OF 521.29 FEET TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID TRACT 23; THENCE RUN S $89^{\circ} 35' 51''$ W, ALONG THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF SAID TRACT 23; FOR A DISTANCE OF 209.78 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 23; THENCE RUN S $02^{\circ} 35' 42''$ E ALONG THE AFOREMENTIONED WEST LINE OF TRACT 23 FOR A DISTANCE OF 483.45 FEET TO THE POINTING OF BEGINNING. CONTAINING A NET AREA OF 1.3084 ACRES, MORE OR LESS.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not

to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

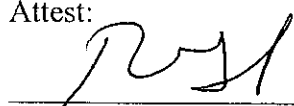
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 9th day of June, 2009.

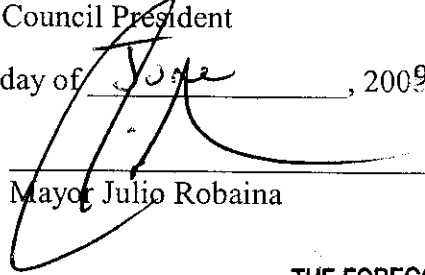


Carlos Hernandez
Council President

Attest: 

Rafael E. Granado, City Clerk

Approved on this 9 day of June, 2009.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

The Ordinance was adopted by a unanimous vote, with Councilmembers Caragol, Casals-Munoz, Cue, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".